

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS**

KENNETH D. HAMPTON,	:	Case No. 2:22-CV-4246
	:	
Petitioner,	:	
	:	
vs.	:	District Judge Michael H. Watson
	:	Magistrate Judge Elizabeth P. Deavers
WARDEN, MADISON CORRECTIONAL	:	
INSTITUTION,	:	
	:	
Respondent.	:	

REPORT AND RECOMMENDATION

Petitioner, an inmate at the Madison Correctional Institution, has filed a motion for leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a) in connection with a petition for a writ of habeas corpus. (Doc. 1; Doc. 1-1, at PageID 23-25). The total filing fee due in this habeas corpus action is \$5.00. Petitioner's application reveals that as of November 14, 2022, petitioner had \$22.32 on account to his credit, with average monthly deposits of \$155.33. (See Doc. 1-1, PageID 8). The application thus demonstrates that petitioner has sufficient funds available to pay the full \$5.00 filing fee in order to institute this action.

Accordingly, it is **RECOMMENDED** that petitioner's application for leave to proceed *in forma pauperis* (Doc. 1; Doc. 1-1, at PageID 23-25) be **DENIED** and petitioner be ordered to pay the full filing fee of \$5.00 within **thirty (30) days**. Petitioner should be notified that his failure to pay the full filing fee within thirty days will result in the dismissal of this action.

PROCEDURE ON OBJECTIONS

If any party seeks review by the District Judge of this Report and Recommendation, that party may, within fourteen (14) days, file and serve on all parties objections to the Report and

Recommendation, specifically designating this Report and Recommendation, and the part in question, as well as the basis for objection. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Response to objections must be filed within fourteen (14) days after being served with a copy. Fed. R. Civ. P. 72(b).

The parties are specifically advised that the failure to object to the Report and Recommendation will result in a waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court. *See, e.g., Pfahler v. Nat'l Latex Prod. Co.*, 517 F.3d 816, 829 (6th Cir. 2007) (holding that “failure to object to the magistrate judge’s recommendations constituted a waiver of [the defendant’s] ability to appeal the district court’s ruling”); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005) (holding that defendant waived appeal of district court’s denial of pretrial motion by failing to timely object to the magistrate judge’s report and recommendation). Even when timely objections are filed, appellate review of issues not raised in those objections is waived. *Robert v. Tesson*, 507 F.3d 981, 994 (6th Cir. 2007) (“[A] general objection to a magistrate judge’s report, which fails to specify the issues of contention, does not suffice to preserve an issue for appeal . . . ”) (citation omitted).

IT IS SO RECOMMENDED.

December 19, 2022

s/ Elizabeth A. Preston Deavers
ELIZABETH A. PRESTON DEAVERS
United States Magistrate Judge